

DOCKET NO.: S1509.70029US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric T. Fossel  
Serial No.: 08/932,227  
Confirmation No.: 5092  
Filed: September 17, 1997  
For: TOPICAL DELIVERY OF L-ARGININE TO CAUSE  
BENEFICIAL EFFECTS

Examiner: Jeffrey C. Mullis  
Art Unit: 1711

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14 day of June, 2005.

  
Signature

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

~~17/2005 RHEBRAHT 00000013 08932227~~

~~EC:1806~~

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06/17/2005 RHEBRAHT 00000013 08932227

02 FC:1806

180.00 OP

06/17/2005 RHEBRAHT

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
10/201,635	July 22, 2002	Eric T. Fossel
10/213,286	August 5, 2002	Eric T. Fossel

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

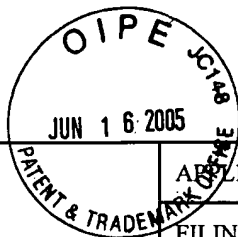
Respectfully submitted,

By:



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Docket No.: S1509.70029US00  
Date: June 14, 2005  
x06/14/05x



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 08/932,227

ATTY. DOCKET NO.: S1509.70029US00

FILING DATE: September 17, 1997

CONFIRMATION NO.: 5092

APPLICANT: Eric T. Fossel

GROUP ART UNIT: 1711

EXAMINER: J. MULLINS

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**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,405,919		Keefer et al.	04-11-1995
		5,428,070		Cooke et al.	06-27-1995
		5,648,101		Tawashi	07-15-1997
		5,691,423		Smith et al.	11-25-1997
		5,698,738		Garfield et al.	12-16-1997
		5,789,442		Garfield et al.	08-04-1998
		5,853,768		Altadonna	12-29-1998
		5,891,459		Cooke et al.	04-06-1999
		5,895,658		Fossel	04-20-1999
		5,922,332		Fossel	07-13-1999
		5,925,372		Berner et al.	07-20-1999
		6,103,275		Seitz et al.	08-15-2000
		6,207,713	B1	Fossel	03-27-2001
		6,448,267	B1	Anggard et al.	09-10-2002
		6,451,337	B1	Smith et al.	09-17-2002
		6,458,841	B2	Fossel	10-01-2002
		6,511,991	B2	Hrabie et al.	01-28-2003
		6,538,033	B2	Bing	03-25-2003
		6,617,337	B1	Wilcox	09-09-2003

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		WO	94/09750	A1	WIPO	05-11-1994	
		FR	2 740 453	A1	BIEUROPE SOCIETE	04-30-1997	
		JP	9/241156	A	NOEVIR CO LTD	09-16-1997	
		WO	99/13717	A1	STRATEGIC SCIENCES & TECHNOLOGIES INC.	03-25-1999	
		WO	96/08966	A1	NEW YORK SOCIETY FOR THE RUPTURED AND CRIPPLED MAINTAINING THE HOSPITAL FOR SPECIAL SURGERY	09-21-1995	

FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 08/932,227		ATTY. DOCKET NO.: S1509.70029US00			
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				APPLICANT: Eric T. Fossel					
				GROUP ART UNIT: 1711		EXAMINER: J. MULLINS			
Sheet	2	of	2						

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		International Search Report for International Application Serial No. PCT/US98/19429, international filing date September 17, 1998		
		RIEDEL, Markus W., et al., "DIFFERENT MECHANISMS OF L-ARGININE INDUCED DILATION OF BRAIN ARTERIOLES IN NORMOTENSIVE AND HYPERTENSIVE RATS", CA: 122 (11) 130053t (Abstract)		
EXAMINER:			DATE CONSIDERED:	

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]